

PATTI GOLDMAN (WSB #24426)  
 AMY WILLIAMS-DERRY (WSB #28711)  
 Earthjustice  
 705 Second Avenue, Suite 203  
 Seattle, WA 98104-1711  
 (206) 343-7340  
 (206) 343-1526 [FAX]  
 pgoldman@earthjustice.org  
 awilliams-derry@earthjustice.org

HONORABLE JOHN C. COUGHENOUR

*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF WASHINGTON

WASHINGTON TOXICS COALITION,	)	
NORTHWEST COALITION FOR	)	Civ. No. C01-0132C
ALTERNATIVES TO PESTICIDES,	)	
PACIFIC COAST FEDERATION OF	)	
FISHERMEN'S ASSOCIATIONS, and	)	[PROPOSED] ORDER GRANTING
INSTITUTE FOR FISHERIES RESOURCES,	)	PLAINTIFFS' MOTION FOR FURTHER
	)	ACTION BY DEFENDANT
Plaintiffs,	)	ENVIRONMENTAL PROTECTION
	)	AGENCY TO IMPLEMENT JANUARY 22,
v.	)	2004 ORDER
	)	
ENVIRONMENTAL PROTECTION	)	
AGENCY, and MICHAEL O. LEAVITT,	)	
ADMINISTRATOR,	)	
	)	
Defendants,	)	
	)	
AMERICAN CROP PROTECTION	)	
ASSOCIATION, et al.,	)	
	)	
Intervenor-Defendants.	)	

Upon consideration of plaintiffs' motion for further action by defendant Environmental Protection Agency ("EPA") to implement the January 22, 2004 Order, and the entire record in this case, the Court finds that neither EPA nor defendant-intervenors have provided effective

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR  
 FURTHER ACTION BY DEFENDANT ENVIRONMENTAL  
 PROTECTION AGENCY TO IMPLEMENT JANUARY 22, 2004  
 ORDER (C01-0132C) - 1 -

*Earthjustice*  
 705 Second Ave., Suite 203  
 Seattle, WA 98104  
 (206) 343-7340

1 notification of the Order's point of sale notification requirements to retailers or registrants.

2 Accordingly, the motion is hereby granted and it is further ORDERED that EPA shall take the  
3 following actions to ensure improved implementation of the January 22, 2004 Order's point of  
4 sale notification requirements:

- 5 1. By mail, EPA shall convey to retail establishments that sell lawn and  
6 garden products in the Urban Areas subject to the Order that they are to  
7 provide the mandatory point of sale notification whenever products  
8 containing the Urban Pesticides are sold. EPA's mail notice shall list both  
the active ingredients and the pesticide products to which the notification  
requirement applies and shall describe the Urban Areas subject to the  
posting requirements.
- 9 2. EPA shall provide notice directly to registrants of the Order's point of sale  
10 notification requirements and instruct registrants to ensure that pesticide  
11 distributors, wholesalers, retailers, brokers, dealers, and others in privity  
12 with them are made aware of the requirement to make the mandatory point  
13 of sale notification whenever products containing the Urban Pesticides are  
sold. EPA's notice to registrants shall list both the active ingredients and  
the pesticide products to which the notification requirement applies and  
shall describe the Urban Areas subject to the posting requirements.
- 14 3. EPA shall provide on EPA's website an easily accessible and clear  
15 description of the point of sale notification requirements, including a clear  
16 statement of the duty to provide the point of sale notifications, the  
pesticide active ingredients and products covered, and the geographical  
area covered.
- 17 4. EPA shall publish another Federal Register notice that directs the public to  
18 EPA's website, rather than an industry website, for the point of sale  
19 notifications.
- 20 5. EPA shall consult with WTC in the development of each of these notices  
and materials before they are distributed.

21 Entered on this \_\_\_\_ day of July, 2004.

22  
23 

---

HONORABLE JOHN C. COUGHENOUR  
United States District Court Judge

Presented by:

/s/ Patti Goldman

PATTI GOLDMAN (WSB #24426)

AMY WILLIAMS-DERRY (WSB #28711)

Earthjustice

705 Second Avenue, Suite 203

Seattle, WA 98104-1711

(206) 343-7340

(206) 343-1526 [FAX]

pgoldman@earthjustice.org

awilliams-derry@earthjustice.org

*Attorneys for Plaintiffs*

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR  
FURTHER ACTION BY DEFENDANT ENVIRONMENTAL  
PROTECTION AGENCY TO IMPLEMENT JANUARY 22, 2004  
ORDER (C01-0132C) - 3 -

*Earthjustice  
705 Second Ave., Suite 203  
Seattle, WA 98104  
(206) 343-7340*